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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,355	10/29/2003	Dale R. Hallberg	2577-0393	5982

7590 10/16/2006

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EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3781

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,355

Applicant(s)

HALLBERG, DALE R.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. Claims 1, 5, 9, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood (5671830) or Feinberg (2334079) in view of Frandsen (2398299). Wood teaches a case having a first compartment and first lid 13, a second compartment and a second lid 14, a main body 14 where first and second compartment being incorporated into the main body. Wood meets all claimed limitations except for the third compartment and the corresponding lid. Franksen teaches that it is known in the art to provide additional compartment for one side of a case. It would have been obvious to one of ordinary skill in the art to provide a third compartment and a third compartment as taught by Franksen to provide the added storage.

Feinberg teaches a case having a first compartment and first lid 21, a second compartment and a second lid 15, a main body 24 where first and second compartment being incorporated into the main body. Wood meets all claimed limitations except for the third compartment and the corresponding lid. Frandsen teaches that it is known in the art to provide additional compartment for one side of a case. It would have been obvious to one of ordinary skill in the art to provide a third compartment and a third compartment as taught by Frandsen to provide the added storage.

Regarding claim 5, it would have been obvious to one of ordinary skill in the art to provide one compartment shallower than the other to provide the desired size for each compartment.

Regarding claim 9, the compartment of Wood is capable of the intended use. In the very least it can accommodate short length rifle or a disassembled shotgun or rifle.

Regarding claim 13, the latches 18, 19, and 36 are on a periphery of the respective compartment. The claim does not require a plurality of latches for each compartment at all.

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2. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood or Feinberg rejections, as set forth in paragraph 1, and further in view of Weber. It would have been obvious to one of ordinary skill in the art to make the case from metal as taught by Weber (col.2, ln. 19) to provide the desired material.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood or Feinberg rejections, as set forth in paragraph 1, and further in view of Lewis (1950252). To the degree it is argued that Wood or Feinberg does not teach a plurality of latches. Lewis teaches that it is known in the art to provide a plurality of latches in each of the two compartments. It would have been obvious to one of ordinary skill in the art to provide a plurality of latches in each of the two compartments as taught by Lewis to provide added security and/or for alternative securing means.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood or Feinberg rejections, as set forth in paragraph 1, and further in view of Kivett (2878907). It would have been obvious to one of ordinary skill in the art to provide a waterproof liner as taught by Kivett (col. 2, ln. 40) to provide added protection.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood or Feinberg rejections, as set forth in paragraph 1, and further in view of either Neal(2706036) or Reel et al. (4790431). It would have been obvious to one of ordinary skill in the art to provide a foam insert as taught by Neal or Reel to provide protection for the contents.

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new grounds of rejection. Applicant is noted that Leclerc teaches a short rifle that that is capable of being stored in the case of either Wood or Feinberg.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai 
Primary Examiner
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